



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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FAO-3749-2016 (O&M)
Date of Decision : 20.01.2025

SANTOSH RANI & ORS

.... Appellants

VERSUS

JAMIL & ORS

.... Respondents

CORAM : HON’BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Manoj Kumar Sood, Advocate for the appellants.
Mr. Neeraj Khanna, Advocate for respondent No.3.

ALKA SARIN, J. (ORAL)

1. The present appeal has been preferred by the claimant-appellants aggrieved by the quantum of compensation awarded by the Motor Accident Claims Tribunal, Faridabad (hereinafter referred to as ‘the Tribunal’) vide award dated 19.02.2016.
2. Since the facts, as recorded in the impugned award, are not in dispute, the same are not being reproduced herein for the sake of brevity.
3. The Tribunal had awarded the following compensation :

Sr. No.	Heads	Compensation Awarded
1.	Monthly income	₹10,000
2.	Annual income	[₹10,000 x 12] = ₹1,20,000
3.	Deduction 1/3 rd	[₹1,20,000 – 40,000] = ₹80,000
4.	Multiplier of ‘14’	[₹80,000 x 14] = ₹11,20,000
5.	Funeral expenses	₹50,000
6.	Loss of love and affection	₹3,00,000
7.	Medical expenses	₹50,000
	Total	₹15,20,000
	Interest	@9% per annum

4. Learned counsel for the claimant-appellants would contend that no addition has been made towards future prospects and that the multiplier of '14' has wrongly been applied which ought to have been '15' keeping in view the age of the deceased at the time of the accident. In support of his contentions the learned counsel for the claimant-appellants has relied upon the judgments of the Hon'ble Supreme Court in the cases of **Sarla Verma & Ors. vs. Delhi Transport Corporation & Anr. [(2009) 6 SCC 121]** and **National Insurance Company Ltd. vs. Pranay Sethi & Ors. [(2017) 16 SCC 680]**.

5. *Per contra*, the learned counsel for respondent No.3-Insurance Company has vehemently argued that sufficient amount has already been awarded as compensation in the present case and that there is no scope of any enhancement.

6. Heard.

7. In the present case no addition has been made towards future prospects and hence as per the law laid down by the Hon'ble Supreme Court in the case of **Pranay Sethi** (supra), 25% addition is made towards future prospects. Further, a multiplier of '14' has wrongly been applied and hence, as per the law laid down by the Hon'ble Supreme Court in the case of **Sarla Verma** (supra), multiplier of '15' would be applicable keeping in view the age of the deceased being 40 years at the time of the accident. Since there is no challenge to the income of ₹10,000 per month, deduction of 1/3rd, medical expenses of ₹50,000, the amount of ₹50,000 awarded under the head funeral expenses and loss of love and affection of ₹3,00,000 as

assessed by the Tribunal, the same are maintained.

8. Accordingly, the reworked compensation is as under :

Sr. No.	Heads	Compensation Awarded
1.	Monthly income	₹10,000
2.	Annual income	[₹10,000 x 12] = ₹1,20,000
3.	Deduction 1/3 rd	[₹1,20,000 – 40,000] = ₹80,000
4.	Future prospects 25%	[₹80,000 + ₹ 20,000] = ₹1,00,000
5.	Multiplier of ‘15’	[₹1,00,000 x 15] = ₹15,00,000
6.	Funeral expenses	₹50,000
7.	Loss of love and affection	₹3,00,000
8.	Medical expenses	₹50,000
	Total	₹19,00,000
	Interest	@ 9% per annum

9. The amount in excess of and over and above the amount awarded by the Tribunal shall also attract interest @ 9% per annum from the date of filing of the claim petition till the realization of the entire amount. The amount shall be apportioned between the claimant-appellants as directed by the Tribunal.

10. In view of the above discussion, the present appeal is allowed and the award passed by the Tribunal is modified accordingly. Pending applications, if any, also stand disposed off.

20.01.2025

Aman Jain

NOTE:

(ALKA SARIN)

JUDGE

Whether speaking/non-speaking: Speaking

Whether reportable: Yes/No